

Appl. No. 10/045,290
Amdt. dated April 24, 2006
Reply to Office Action of November 29, 2005

PATENT

REMARKS/ARGUMENTS

Claims 1-4, 6-16, 18-28, and 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawarai et al. (US Patent No. 6,687,225) in view of Calamvokis et al. (US Patent No. 5,592,476). Claims 5, 17, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawarai et al. and Calamvokis et al. in view of Lin et al. (US Patent No. 5,966,163).

Claim 1

Claim 1 recites "wherein the appropriate insertion scheme includes a first insertion scheme configured to send the insertion request using a first indicator that the empty memory cell should be shaped using predetermined shaping parameters and a second insertion scheme configured to send the insertion request using a second indicator that the empty memory cell should be unshaped."

Applicants respectfully traverse the rejection of claim 1. The Examiner acknowledges that Kawarai et al. fails to disclose the insertion scheme of claim 1 as quoted above. See Office Action dated 11/28/06, p. 4, lines 13-23. Instead, the Examiner points to a portion of Calamvokis et al. as supposedly disclosing this claimed feature. However, as explained in detail below, Calamvokis et al. clearly fails to make up for the deficiencies of Kawarai et al.

Contrary to the Examiner's assertion, Calamvokis et al. does not teach or suggest the insertion scheme of claim 1. In fact, the portion of Calamvokis et al. (col. 15, lines 33-43) cited by the Examiner does not teach a cell insertion scheme at all. This portion of Calamvokis et al. teaches two techniques for handling too many existing cells of data. See Calamvokis et al., col. 15, lines 37-40 ("...that is, it produces more cells per unit time than the switch has guaranteed to handle..."). One technique is to temporarily halt the sending of cells for the connection. The other technique is to temporarily treat the connection as a Best Effort connection as opposed to a Guaranteed Service connection. See *id.*, col. 15, lines 40-43. Neither technique involves insertion of any cells. Clearly, this portion of Calamvokis et al. is directed to an overflow situation where there are already too many existing cells for the connection to

Appl. No. 10/045,290
Amdt. dated April 24, 2006
Reply to Office Action of November 29, 2005

PATENT

handle. One of ordinary skill in the art in this situation would not be inclined to insert additional cells. To insert additional cells would only worsen, not improve the overflow situation. As such, the portion of Calamvokis et al. cited by the Examiner not only fails to disclose, but in fact teaches away from, a cell insertion scheme. This portion of Calamvokis et al. thus cannot teach or suggest the cell insertion scheme of claim 1.

As for the portion of Calamvokis et al. that does relate to cell insertion, it also fails to teach or suggest the cell insertion scheme of claim 1. There, Calamvokis et al. teaches a traditional cell insertion scheme. Cells are inserted when there are not enough existing cells of data for transmission -- i.e., an underflow situation. See Calamvokis et al., col. 10, lines 20-27 ("...the input FIFOs 41 are being emptied faster than they are being filled...") This simple cell insertion technique as taught by Calamvokis et al. clearly does not contemplate the claimed insertion scheme that includes "a first insertion scheme configured to send the insertion request using a first indicator that the empty memory cell should be shaped using predetermined shaping parameters and a second insertion scheme configured to send the insertion request using a second indicator that the empty memory cell should be unshaped," as recited in claim 1. Thus, nothing in Calamvokis et al. teaches or suggests the insertion scheme recited in claim 1.

Because Kawai et al. fails to disclose the insertion scheme recited in claim 1, and Calamvokis et al. fails to make up for the deficiencies of Kawai et al., the combination of these two references cannot produce all of the limitations of claim 1. As such, claim 1 is patentable over Kawai et al. in view of Calamvokis et al.

Claims 13, 25, and 37

Claims 13, 25, and 37 were rejected under the same rationale as claim 1. For at least the reasons stated above with respect to claim 1, claims 13, 25, and 37 are also patentable over Kawai et al. in view of Calamvokis et al.

Claims 2-12, 14-24, and 26-36

Claims 2-12, 14-24, and 26-36 depend from claims 1, 13, and 25, respectively. Each one of claims 2-12, 14-24, and 26-36 thus incorporates all of the limitations of its

Appl. No. 10/043,290
Amdt. dated April 24, 2006
Reply to Office Action of November 29, 2005

PATENT

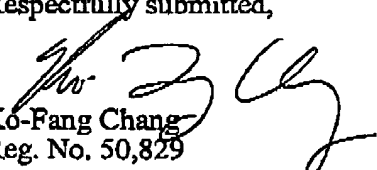
independent claim and is patentable over Kawai et al. in view of Calamvokis et al. for at least the reasons stated with respect to its independent claim.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


Ko-Fang Chang
Reg. No. 50,829

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400 Fax: 415-576-0300
KFC:djb
60756590 v1